IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12302 of 2004

Between:

K.Sreeramulu, s/o Ram Murthy,
Chief Technical Examiner to Government, irrigation Dept., Secretariat Buildings Hyderabad

..... PETITIONER

AND

1 State of Andhra Pradesh rep. by its Principal Secretary to Govt.,
I& CAD Dept., Secretariat Building, Hyderabad
2 State of Andhra Pradesh Rep. by its principal Secretary, General Administration Dept., Secretariat Building, Hyderabad
3 The Engineer-in Chief (Admn. Wing) Irrigation and CAD Dept.,
Erramanzil, Hyderabad .

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari calling for records connected with orders in O.A.No.4738/1993 on the file of Hon'ble AP. Administrative Tribunal, dt. 31/12/1999 and quash the same by declaring the Memo.No.24564/Ser.IV(1)/90-8, dt. 11/01/1993 issued by the 1st Respondent, as illegal, arbitrary and against Article 14 and 16 of Constitution of India, while setting aside the same, direct the respondent to correct the date of birth of the Petitioner in the service records from 06/01/1947 to 09/01/1949 and continue the petitioner till the completes the age of Superannuation as per correction of date of birth.

Counsel for the Petitioner:MR.Y.V.SATYANARAYANA, Advocate.

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following :

ORDER: (per the Hon'ble Sri Justice B.Seshasayana Reddy)

1. This writ petition is directed against the order dated 31-12-1999 in O.A.No.4738 of 1993. The matter relates to alteration of date of birth. It is the claim of the writ petitioner that his date of birth is 09-01-1949, but it was wrongly entered in the service register as 06-01-1947. The Tribunal after going through the material on record in great detail refused to grant the relief as sought for and thereby dismissed the O.A.No.4738 of 1993 by judgment dated 31-12-1999. Assailing the same, the petitioner filed this writ petition.

2. The learned Counsel for the writ petitioner submits that the petitioner could not file the writ petition in time as there was communication gap between himself and his counsel and that he obtained certified copy of the order only on 01-07-2004. As seen from the records, the petitioner was an Executive Engineer at the time of filing of O.A.No.4738 of 1993. Presently, he is Chief Engineer in the Irrigation Department. He filed the O.A. in the month of September 1993 in A.P.Administrative Tribunal claiming the following reliefs.

1) To call for the records connected with Memo No.24564/Ser.IV(1)/90-8, dated 11.1.1997 issued by the first respondent and quash the same;

2) To declare that the applicant is born on 9.1.1949 but not on 6.1.1947;

3) To a consequential direction to the respondents to correct the entry in regard to the Date of Birth in his Service Register from 6.1.1947 to 9.1.1949.

4) To direct the respondents to continue the applicant till attains the age of superannuation taking into his date of birth as 9.1.1949.

The said O.A. ended in dismissal on 1.12.1999. We can understand if the applicant is not aware of the proceedings initiated by him and he is aware of the legal

consequences of dismissal of the proceedings initiated by him before the Tribunal. Having kept quiet for nearly five years, he moved the writ petition questioning the order of the learned Administrative Tribunal passed on 1.12.1999. No reasonable explanation has been offered for such an abnormal delay in questioning the impugned order. There are clear and unexplained laches on the part of the writ petitioner. Therefore, without going into the merits of the case, we are inclined to dismiss the writ petition at the admission stage itself, on the ground of laches.

3. Accordingly, the Writ Petition is dismissed. No costs.

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Date: 16-07-2004 G.BIKSHAPATHY, J.

Jsu/tnb

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B.SESHASAYANA REDDY, J.

To

1 The Principal Secretary, State of Andhra Pradesh

I& CAD Dept., Secretariat Building, Hyderabad
2 The Principal Secretary, State of Andhra Pradesh, General Administration Dept., Secretariat Building, Hyderabad
3 The Engineer-in Chief (Admn. Wing) Irrigation and CAD Dept., Erramanzil, Hyderabad .

4 Two CCs to the Govt. Pleader for Irrigation and Comm. Area Development, High Court Buildings, Hyderabad. (O.U.T.)

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